SOME TRADITIONAL MISCONCEPTIONS OF LAW.

We are somewhat accustomed to regard ourselves as being free from the superstitions and prejudices of our forefathers, yet it is probable that the present generation has inherited a number of these, besides generating quite as many misconceptions of fact as any that have preceded it.

Common errors of beliefs, especially among a rural population, are largely traditional, and therefore peculiarly tenacious.

Country-folk, however, do not maintain a monopoly in this regard, for town-dwellers, especially in the very large cities, usually possess quite as many misconceptions. Perhaps owing to their more strenuous conditions of life, they are given to opinions in matters legal. In no case is this more marked than in London, where some very crude superstitions of the last century still exist as to what is or is not lawful.

It is probable that, though some of these are happily quite extinct, others may be still current in this country, and may possibly be derived from the city of London.

It was at one time commonly believed that it was penal to open a coal-mine near the city, a very questionable venture in any case. The belief may have grown out of a traditional recollection of the prohibition, as a public nuisance, upon its first introduction as a fuel, of the use of coal in London, by King Edward the First.

Similarly an idea prevailed during the last century that it was illegal to plant a vineyard, or to establish a sawmill near London, thus ascribing to the operation of imaginary statutes the general decadence of the vine and growing scarcity of timber at that period. A common saying went that a crow must not be killed within five miles of London,—by which title, no doubt, the common rook was intended, as the genuine carrion crow is rarely seen in south England. Perhaps the suggestion was semi-sarcastic, in allusion to the incapability of cockney sportsmen.

It was and is still supposed to be unlawful to shoot with a windgun, or, as we now call it, an air-rifle. This may have been an extremely ancient idea, as air-guns have been known since a century before the commencement of the Christian era, when the principle was invented by Ctesebius of Alexandria, who, however, neglected to take out a patent, so that when the idea was reinvented by Guter in Germany in the seventeenth century, he was considered a most original genius. No doubt the popular idea of their prohibition arose from a very proper appreciation of their possible misuse and their adaptability for secret assassination.

An equally practical idea is that the use of a dark lanthorn at night is illegal, a belief probably based on the likelihood of being taken for some evil-doer, as such an appurtenance was and is usually part of the stock in trade of any well-appointed member of the burgling profession. A watchful police would now, like the race of watchmen who preceded them, interrogate any doubtful-looking character with a bull's-eye lantern, and the carrying of a ladder after dark is now considered equally suspicious.

Old-time credulity could scarce proceed further than in the common notion of a statute which would, if required, compel the owners of asses to crop their ears lest their length should frighten horses upon the road, yet such was the belief. I have met with this conception in the modern form of an idea that bicycles had no legal rights, and that riders were liable, if horses were frightened thereby. The superior right of foot passengers to the roadway is in England a well-founded belief, since the law has so been interpreted, and herein may be found the basis of the solicitude and care of foot traffic at the busy crossings in London so generally admired.

If such ideas prevailed during the last century in regard to the current regulations of society, the vulgar opinions of common law would scarcely be of a higher character. One very prevalent belief, existing even until recent years, when the property of married women was placed on a basis independent of that of their husbands, was that a man's taking his wife from the hands of the priest, clothed only in her shift, "would exempt him from liability for her debts or engagements." Cases actually occurred of this nature. One such is entered in that curious record of marriages performed in the purlieus of the Fleet prison, the so-called "liberty of the Fleet," by disfrocked clergymen and others who assumed that semi-sacred character. In that particular instance the woman came across from Ludgate, a respectable locality, in her scanty garb.

Another is thus related in the "Whitehall Evening Post" of Saturday afternoon, June 30, 1792: "A correspondent of Bolton, Lancashire, informs us that a few weeks ago a woman appeared at the altar divested of every article of clothing, except a shift (and the which she had borrowed) in order to be married. It appears she took her lawyer's opinion, how to avoid paying a former husband's debts; he advised her to appear as above. The minister refusing to officiate while she was in her chemise, she thus addressed her intended spouse: 'Woot marry me neau? tha heears what th' parson says.' 'Whoi (said the man) saut things ar as the ar, theaw moight as weel get beaunt; (that is get out of it) an I 'll e'en ta thee for better or wo.'"

The notions of the vulgar on legal matters were sometimes based

on slight historical grounds, such as in the common assertion of would-be reformers, that there was no land-tax previous to the accession of William the Third. While land-taxes were levied in England in the year 990, if this, the Saxon system, be excluded from the subject, the common error would have historical foundation in the redistribution or settlement of land taxation in the above king's reign.

The threat of the pains of the "crown-office" on the most trifling injury was as common as the modern threat of the terrors of the police, or the expression, "I 'll have the law of ye," for every trifling disagreement, while many an unfeeling creditor believed, and, I have heard, still believes, that he could, at the worst, realize something upon the body of his debtor after his decease, if he failed to deprive him of liberty and property during his lifetime.

Common misconception still has it that King John signed Magna Charta; and it may be assumed that a large number of people still retain the idea that the sovereign actually signs the death warrant for the execution of a criminal, and thus the personal interference of the monarch with the course of the law is frequently sought over the head of the Home Secretary.

Finally, some poetic, if not historical license might be pleaded for that dramatic belief that the corpse of a murdered person would bleed in the presence of the murderer. Thus spoke Anne Neville of Warwick by Shakespeare's mouth, as the bearers set down the coffin of the murdered Henry in presence of Gloucester:—

> "If thou delight to view thy heinous deeds,
> Behold this pattern of thy butcheries.
> O gentlemen, see, see! dead Henry's wounds
> Open their congeal'd mouths and bleed afresh.
> Blush, blush, thou lump of foul deformity;
> For 't is thy presence that exhales this blood
> From cold and empty veins, where no blood dwells;
> Thy deed, inhuman and unnatural,
> Provokes this deluge most unnatural.
> O God, which this blood mad'st, revenge his death!"

Reginald Pelham Bolton.